

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 17286

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare, of my own knowledge or on information and belief, that:

My residence, post office address and country of citizenship are as stated below next to my name;

I am the original, first and sole inventor, if only one inventor is identified below, or an original, first and joint inventor, if more than one inventor is identified below, of the subject matter which is claimed and for which a patent is sought and which is entitled:

LMDS System With Equal Power To Subscriber Locations
Title of the Invention

and which is described and claimed:

 x in the attached application including specification and claims if this line is marked,

I have reviewed and understand the contents of the specification and the claims;

I acknowledge the duty to disclose information which is material to the examination of the application in accordance with 37 CFR \$1.56(a). The text of 37 CFR \$1.56(a) states,

"A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information

material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine: 1) prior art cited in search reports of a foreign patent office in a counterpart application, and 2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office;"

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below.

Provisional Application No.: 60/093,360
Filing Date: July 20, 1998

and I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 CFR §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

06/02/99 WED 10:25 FAX 302 633 2776

WHITAKER

007

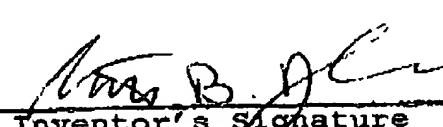
I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true, and I am warned that willful false statements and the like are punishable by fine or imprisonment, or both, (18 USC §1001) and may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint Jack C. Goldstein (Registration No. 24502), Gerald K. Kita (Registration No. 24125), Katherine A. Nelson (Registration No. 30666), Anton P. Ness (Registration No. 28453), Bruce J. Wolstoncroft (Registration No. 32075), Driscoll A. Nina, Jr. (Registration No. 34685), Robert J. Kapalka (Registration No. 34198), June B. Schuette (Registration No. 37928), William S. Francos (Registration No. 38456), Salvatore Anastasi (Registration No. 39090), Mary K. VanAtten (Registration No. 39408), and Bradley N. Ditty (Registration No. 40994) whose post office address is: The Whitaker Corporation, 4550 New Linden Hill Road, Suite 450, Wilmington, DE 19808, or their duly appointed associate, my attorneys or agents with full powers of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the Letters Patent, and to transact all business in the U.S. Patent and Trademark Office in connection therewith.

Direct all correspondence to the address:

The Whitaker Corporation
4550 New Linden Hill Road
Suite 450
Wilmington, Delaware 19808-2952

Scott Bermingham Doyle
Full Name of First Inventor


Inventor's Signature

6/14/99
Date

USA / 67 Prides Crossing Road, Sudbury, Massachusetts 01776
Citizenship / Residence

Post Office Address: 67 Prides Crossing Road, Sudbury, Massachusetts 01776

06/02/99 WED 10:25 FAX 302 633 2776

WHITAKER

008

Angelos Alexanian Angelos Alexanian 6/21/99
Full Name of Second Inventor (If Any) Inventor's Signature Date
Greece / 534 Beacon Street, Boston, Massachusetts 02215
Citizenship / Residence

534 Beacon Street, Boston, Massachusetts 02215
Post Office Address: 534 Beacon Street, Boston, Massachusetts 02215

Charled Russell Wright
Full Name of Third Inventor (If Any) Inventor's Signature Date
USA / 108 Sylvester Avenue, Winchester, Massachusetts 01890
Citizenship / Residence

Post Office Address: 108 Sylvester Avenue, Winchester, Massachusetts 01890

Angelos Alexanian

Full Name of Second Inventor (If Any) Inventor's Signature Date

Greece / 534 Beacon Street, Boston, Massachusetts 02215
Citizenship / Residence

534 Beacon Street, Boston, Massachusetts 02215

Post Office Address: 534 Beacon Street, Boston, Massachusetts 02215

✓ Charles Russell Wright

Full Name of Third Inventor (If Any) Inventor's Signature Date

USA / 108 Sylvester Avenue, Winchester, Massachusetts 01890
Citizenship / ResidencePost Office Address: 108 Sylvester Avenue, Winchester, Massachusetts
01890